



FILED
10-19-16
02:51 PM

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
SAN DIEGO GAS & ELECTRIC
COMPANY (U902E) for a Permit to
Construct The Ocean Ranch Substation
Project. (Vol. I of II)

Application 16-07-016
(Filed July 27, 2016)

**ADMINISTRATIVE LAW JUDGE'S RULING GIVING
NOTICE OF ANTICIPATED SCOPE OF ISSUES AND
TIMING OF PREHEARING CONFERENCE**

In Application 16-07-016, San Diego Gas & Electric Company (SDG&E) seeks a permit to construct (PTC) the proposed Ocean Ranch Substation Project (Proposed Project). SDG&E proposes to locate the project in the southeastern portion of the City of Oceanside within the Pacific Coast Business Park. The proposed site consists of two parcels (5.60 and 4.06 acres) for a total of 9.66 acres.

This ruling addresses the preliminary scope and schedule for review of this application.

1. Background

By this application, SDG&E seeks a PTC for the Proposed Project in order to (1) provide additional capacity to serve the existing area load and forecasted customer-driven electrical load growth; and (2) prevent potential long outages or disruption of service to SDG&E customers in the Oceanside area. The Proposed Project includes four (4) components: (1) the Ocean Ranch Distribution

Substation; (2) Power Line TL 6966 Loop-In; (3) 12 kv Distribution System; and (4) Telecommunications Systems.

Pursuant to General Order (GO) 131-D, and the California Public Utilities Commission (Commission) Rules of Practice and Procedure (Rules)¹ SDG&E may not proceed with its proposed project absent authorization from the Commission through issuance of a PTC. As provided by GO 131-D, the proposed project is subject to environmental review pursuant to the California Environmental Quality Act (CEQA), Pub. Res. Code § 21000 *et seq.* CEQA requires the Lead Agency (the Commission in this case) to conduct a review to identify environmental impacts of the project and mitigation to avoid or reduce any identified environmental impacts. If the initial study shows that there is no substantial evidence that the Proposed Project may have a significant effect on the environment or that the project proponent makes or agrees to revisions to the project plan that will reduce all project-related environmental impacts to less than significant levels, then the Lead Agency may prepare a negative declaration or mitigated negative declaration (MND). Otherwise, the Lead Agency must prepare an environmental impact report that identifies the environmental impacts of the proposed project and alternatives, designs a recommended mitigation program to reduce any potentially significant impacts, and identifies, from an environmental perspective, the preferred project alternative.

CEQA provides that the Commission may not approve the project unless it requires identified mitigation measures that will reduce all environmental impacts to less than significant. If the Commission finds mitigation of identified

¹ Hereafter, all references to “Rule” or “Rules” are to the Commission’s Rules of Practice and Procedure.

impacts infeasible, in order to approve the Proposed Project it must determine that overriding considerations meriting project approval exist despite the unmitigated environmental impacts.

2. Anticipated Scope of Issues

CEQA requires the lead agency (the Commission in this case) to conduct a review to identify environmental impacts of the project, and ways to avoid or reduce environmental damage, for consideration in the determination of whether to approve the project or a project alternative. The applicant in accordance with Rule 2.4 and GO 131-D is required to submit a Proponent's Environmental Assessment (PEA) with its application in order for the Commission Energy Division staff to begin the CEQA review. The Commission's Energy Division staff provided SDG&E a deficiency letter for the subject project on August 26, 2016. SDG&E responded to the letter on September 20, 2016. The Commission's Energy Division staff finished its completeness review of the Proposed Project and issued a letter on October 6, 2016 informing SDG&E that the PEA is complete for purposes of initiating CEQA review. The Commission's Energy Division Staff also determined, based on the nature of the Proposed Project and its location and vicinity, that a MND will be prepared in compliance with CEQA.

In addition, pursuant to GO 131-D and Decision 06-01-042, the Commission will not approve a project unless its design is in compliance with the Commission's policies governing the mitigation of electromagnetic field (EMF) effects using low-cost and no-cost measures.

Accordingly, the following issues are preliminarily in scope for this proceeding:

1. Is there substantial evidence in light of the whole record to support a finding that the project, as proposed or revised, will not have a significant adverse effect on the environment?
2. Was the MND completed in compliance with CEQA, did the Commission review and consider the MND prior to approving the project or a project alternative, and does the MND reflect the Commission's independent judgment?
3. Is the proposed project designed in compliance with the Commission's policies governing the mitigation of EMF effects using low-cost and no-cost measures?

In addition, I anticipate examining what steps SDG&E took during the procurement process to ensure that the proposed project is constructed safely, as well as any other safety related issues that may arise through the course of the proceeding.

Parties will have a further opportunity to address the scope of issues at the prehearing conference, which will be set after the issuance of the MND, as discussed below.

3. Timing of Prehearing Conference and Opportunity to Participate in CEQA Review

The Commission's Energy Division has initiated its environmental review, and will continue with that review to the extent possible. As a part of the environmental review process, Commission staff will give notice as to the type of environmental document that will be issued for the Proposed Project, and will provide the opportunity for public review and comment as part of that process, as required by CEQA. Upon completion, the environmental review document will be admitted into the evidentiary record of this proceeding. I will set a prehearing conference after the Energy Division issues the final environmental review document.

As will be further explained at the prehearing conference, I do not anticipate taking evidence regarding environmental impacts and ways to avoid or reduce them, beyond the environmental review document. Therefore, any person who wishes to present evidence on these issues must do so through participation in the CEQA review process. Such persons may contact the Energy Division to be added directly to the CEQA review service list, at:

Will Maguire, Regulatory Analyst
Energy Division, California Public Utilities Commission
505 Van Ness Ave
San Francisco, CA 94102
(415) 703-2642
william.maguire@cpuc.ca.gov

IT IS RULED that:

1. The final scope and schedule for this proceeding will be discussed at a prehearing conference scheduled to take place after the issuance of a final environmental review document.
2. Parties who wish to present evidence on environmental impacts and mitigation should do so through the CEQA review process as discussed in this ruling.

Dated October 19, 2016, at San Francisco, California.

/s/ DARCIE L. HOUCK

Darcie L. Houck
Administrative Law Judge